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**From:** Aviles, Jesse [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9FEDD63547464C589715A846AFAD05EC-AVILES, JESSE]  
**Sent:** 5/12/2020 8:16:21 PM  
**To:** Chalfant, Mark [Chalfant.Mark@epa.gov]; Apostolopoulos, Fonda [fonda.apostolopoulos@state.co.us]  
**Subject:** FW: Redevelopment within VB/I70 OU1 & OU3  
**Attachments:** Fox Park General Map .pdf; Exclusive- Developers share vision for 41 acres in Denver's Globeville neighborhood.pdf  
**Importance:** High

Hello:

Mark, Fonda and I received this email from the city. The feedback Agatha is asking for is very similar to what we discussed about two months ago. That discussion was for the same property. Below I added the text of the email that Fonda sent to Terracon on March 9. I suggest that we talk to Agatha and send her the text below as that was the suggestion for Terracon. She can use this to decide on her approval or denial of the redevelopment.

Let me know if you have questions. Thanks.

Jesse

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Jeff.

We just had a phone call with the EPA, talking about the possibilities of redeveloping the Fox St. site through the Voluntary Cleanup Program. It was determined that the state and EPA can work together on this site with the following stipulations:

1. Extra characterization will be required on this site due to known debris left behind from the former Argo Smelter and results of data from the Remedial Investigation (RI).
2. A detailed Materials Management Plan (MMP) will be required for redevelopment on this site with trained environmental professionals present at all excavations during construction.

3. We will need the layout of all the new buildings being constructed, with a map showing the boundaries of OU3 with respect to your project.
4. Since there has not been a Record of Decision (ROD) written for this OU, the new owners will have to allow EPA and their contractors access to the property and work with EPA regarding any cleanup activities.
5. Depending on where contamination from the former smelter is found, if it is not cleaned up, an Environmental Use Restriction (EUR) will have to be attached to the deed stating what the restrictions are (ie. MMP for any excavation, no beneficial use of GW) for the site.
6. The prospective purchaser will have to comply as a Bona Fide Prospectus Purchase (BFPP) for this site, and;
7. Portions of the property which lie in OU3 will not be eligible for Brownfield Tax Credits.

Here's the EPA model comfort letter/reasonable steps letter I spoke to you about.

Let's set up a meeting with your client so we can go over this letter with you client if they decide to move forward,

Fonda

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**From:** Linger, Agatha M. - DPHE Env Pub Hlth Analyst II <Agatha.Linger@denvergov.org>  
**Sent:** Tuesday, May 12, 2020 13:22  
**To:** Aviles, Jesse <Aviles.Jesse@epa.gov>; Apostolopoulos, Fonda <fonda.apostolopoulos@state.co.us>  
**Cc:** Ross, Andrew - DPHE Environmental Projects Manager <Andrew.Ross@denvergov.org>  
**Subject:** Redevelopment within VB/I70 OU1 & OU3  
**Importance:** High

Good Afternoon Jesse and Fonda,

I hope this email finds you both healthy and well. The City and County of Denver has received concept plans for a large redevelopment at 4400 N Fox Street located southwest of the I-25 and I-70 interchange. The northern portion of the redevelopment area is located within the boundaries of VB/I-70 OU3 and the southern portion is located within the boundaries of OU1. The attached *Fox Park General Map* depicts the approximate boundaries of the redevelopment area in turquoise and VB/I-70 areas are shaded purple. The plans are stamped confidential, but I have attached an article published yesterday for your reference.

I received the concept plans today and must approve or deny next week, but I wanted to obtain and incorporate feedback from you both since the redevelopment area is located within VB/I-70. Can you please provide me feedback by next Monday (5/18) regarding approval or denial of this redevelopment?

Thank you,

**Agatha Linger**

Environmental & Public Health Analyst II

Department of Public Health & Environment

Environmental Quality Division | City and County of Denver

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